

HAMPTON PLANNING BOARD – MINUTES

June 4, 2003

PRESENT: Thomas Gillick, Chairman
Robert Viviano, Vice Chairman
Tracy Emerick, Clerk
Tom Higgins
Skip Sullivan, Selectman Member
Robert Bilodeau, Alternate
Jennifer Kimball, Town Planner

ABSENT: Keith Lessard
Jack Lessard

Mr. Gillick called the meeting to order at 7:00 p.m. by introducing the Board members. Mr. Gillick then asked Mr. Viviano to lead the Pledge of Allegiance.

I. CONTINUED PUBLIC HEARINGS:

1. Jean Boudreau
Site Plan application to construct a 4-unit residential condominium at
35 Ashworth Avenue
Map 282, Lot 206
Waivers Requested: Site Plan Regulations Section V.E.8 & VII.D (Stormwater Plan and Controls)

The applicant submitted a written request dated June 4, 2003 to continue this application. Mr. Sullivan **MOTIONED** to continue the referenced application to the June 18, 2003 meeting. Mr. Viviano **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

II. NEW PUBLIC HEARINGS:

8. Magplane Technology, Inc. (Bruce Montgomery)
Special Permit Application to set up a test track for a prototype magnetically-suspended train within the Wetlands Conservation District at
NH DOT Railroad Tracks, between Route 1 and the Taylor River
Map 227, Lot 5
Owner of Record: New Hampshire Department of Transportation

The applicant submitted a written request dated May 30, 2003 to postpone this application. Mr. Emerick **MOTIONED** to postpone the referenced application to the July 2, 2003 meeting. Mr. Higgins **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

I. CONTINUED PUBLIC HEARINGS:

2. Girard Blais
Special Permit Application to construct a garage addition within the Wetlands Conservation District
518 High Street
Map 151, Lot 13
Owners of Record: Girard & Darlene Blais AND Barbara Uga

Mr. Girard Blais introduced himself and reported his update at the Conservation Commission meeting. Mr. Gillick read a memo into the record dated June 1, 2003 from the Conservation Commission regarding this project. The Conservation Commission voted not to recommend approval of the Special Permit.

Mr. Gillick offered the Board opportunity for discussion. It was mutually agreed that 176 sq. ft. would not be a 'substantial increase' in an impermeable surface. Mr. Blais reiterated the shed would be removed. It was established again that the home was built far before the rules for the wetland and buffer zones were placed.

OPEN PUBLIC HEARING: NO COMMENT – CLOSE PUBLIC HEARING.

Mr. Emerick **MOTIONED** to grant the referenced Special Permit Application of subject to:

- 1) Removal of the existing shed,
- 2) Proper erosion and sediment control is established,
- 3) No additional sealed surface is constructed, and,
- 4) Notification to the Conservation Commission upon project completion.

Mr. Higgins **SECONDED. VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

II. NEW PUBLIC HEARINGS:

1. K.D. LeBlanc, Richard J. Hoesly & Richard Rayment
Lot Line Adjustment at
29 & 27 Emerald Avenue and 37 Acadia Avenue
Map 222, Lots 22, 23 & 13
Waiver Requested: Subdivision Regulations Section V.E (Detailed Plan)
Owners of Record: Same as Above

Mr. Ernie Cote introduced himself as representing the applicant. Mr. Kenneth LeBlanc was also present. Mr. Cote proposed the application of three neighbors, with abutting properties, getting together to resolve making things more orderly in the neighborhood. Mr. Gillick clarified there would be no changes to topography at all, just lines adjusted.

OPEN PUBLIC HEARING: NO COMMENT – CLOSE PUBLIC HEARING.

Mr. Viviano **MOTIONED** to grant the Waiver Requested: Subdivision Regulations Section V.E (Detailed Plan). Mr. Sullivan **SECONDED. VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Viviano **MOTIONED** to accept jurisdiction of and approve the Lot Line Adjustment of plan #3-50-2430 dated 3/12/03 subject to Jennifer Kimball's memorandum dated May 29, 2003. Mr. Sullivan **SECONDED. VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

2. Jean McGough
Special Permit Application to construct a 6' x 24' addition to the
existing home within the Wetlands Conservation District at
52 Hobson Avenue
Map 289, Lot 007
Owner of Record: Same as Above

Mr. Higgins stepped down from this hearing. Ms. Jean McGough introduced herself. She proceeded to apologize for not being aware of protocol. She had an addition constructed and was not aware she was to apply for the special permit before hand. Mr. Gillick read a memo into the record dated June 1, 2003, from the Conservation Commission regarding this project. Mr. Gillick offers that the Board accepts the fact that the applicant did not intent to circumvent regulation.

OPEN PUBLIC HEARING: NO COMMENT – CLOSE PUBLIC HEARING.

Mr. Viviano **MOTIONED** to approve the Special Permit Application to construct a 6' x 24' addition to the existing home, within the Wetlands Conservation District, at 52 Hobson Avenue, Map 289, Lot 007. Mr. Emerick **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Higgins rejoined the Board at this time.

3. Dorothy, Jon and Herbert Tobey
Lot Line Adjustment at
233 Mill Road
Map 91, Lot 3A and Map 72, Lot 28
Waiver Requested: Subdivision Regulations Section V.E (Detailed Plan)
Owners of Record: Dorothy, Jon & Herbert Tobey AND Levi A. Kishbaug

Mr. Scott Bean introduced himself as the option holder. He proceeded to explain that Mr. Cote was authorized to represent the applicant – a copy of that approval letter will be provided. Mrs. Kimball asked if the Board would accept Mr. Cote to represent the applicant in lieu of receiving the letter of authorization for tonight's meeting. The Board agreed this would be acceptable.

Mr. Cote proceeded to explain the application of two lots, that the existing rear lot has no access, and will be served with sewer from Mill Road and water from Aquarion Water. There would be no entrance on White's Lane. Mr. Gillick confirms the rear lot is a buildable lot, as well as a subdividable lot, with the 50' frontage on Mill Road. With considerable discussion from the Board, Mrs. Kimball clarifies the applicant is just asking for a Lot Line Adjustment to give access off of Mill Road to the back lot. Mr. Gillick was questioning, would this be creating a non-buildable lot due to possible presence of wetlands? Mr. Cote assures the right of way currently serves the two acres that exist. Mr. Michael Donahue, Attorney for option holder, attends the hearing at this point. Mr. Donahue assures it would be in Mr. Bean's interest to have such clarifications to the plans.

OPEN PUBLIC HEARING: NO COMMENT – CLOSE PUBLIC HEARING.

Mr. Higgins **MOTIONED** to grant the referenced Waiver Request with the exception of Section V.E.2 (wetland delineation). Mr. Viviano **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Emerick **MOTIONED** to accept jurisdiction of and approve the Lot Line Adjustment of plan #4-26-3440A, dated 5/12/03 subject to:

- 1) Submittal of revised plan to show appropriate wetland and buffer delineation,
- 2) Monumentation of wetland to be agreed upon by E. Cote, M. Donahue, & J. Kimball,
- 3) Driveway location is subject to necessary permits & DPW approval,
- 4) Revision of plans with considerations noted in J. Kimball memo dated 6/2/03, and,
- 5) ZBA variances upheld.

Mr. Viviano **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

4. George Horrocks & Janice Ziemba
Lot Line Adjustment at
10 Gale Road
Map 22, Lot 4-17 & Map 23, Lot 4-30
Waiver Requested: Subdivision Regulations Section V.E (Detailed Plan)
Owner of Record: Janice Ziemba

Mr. Ernie Cote introduced himself as representing the applicant. Mrs. Janice Ziemba, property owner, was present as well. Mr. Cote defines the properties in question would arrive at the small lot being 1.3 acres as mostly wetland, and the large lot where there is an existing home as 10.3 acres. The applicant is determined to preserve the heritage and character of the entire property. Mrs. Kimball clarified that the existing, vacant lot is buildable and will remain buildable. Mrs. Kimball also discussed note #6 on the plan that makes reference to subdivision covenants. She was informed by abutters the information in the note is incorrect. Mr. Cote acknowledges the information will need to be amended. The Board decided that the specific information should not be included on the plans.

OPEN PUBLIC HEARING: NO COMMENT – CLOSE PUBLIC HEARING.

Mr. Viviano **MOTIONED** to grant the Waiver Requested: Subdivision Regulations Section V.E. (Detailed Plan). Mr. Bilodeau **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Emerick **MOTIONED** voted to accept jurisdiction of and approve the Lot Line Adjustment of plan #4-39-3135, dated 5/12/03 subject to:

- 1) Submittal of revised plan showing the location of the existing well and septic field,
- 2) Rewrite note #6 to remove references to specific covenants and only refer to book & page,
- 3) Revision of plans with considerations #2, #7, #8, #9, #10, as noted in J. Kimball's memo dated 6/2/03,
- 4) Revised plans to show the complete wetland buffer, and,
- 5) Monumentation of wetland to be agreed upon by E. Cote, & J. Kimball.

Mr. Bilodeau **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

5. Rob and Dawn Gagnon
Special Permit Application to construct an 8' x 30' addition to the existing home & demolish the existing shed and replace it with a smaller shed within the Wetland Conservation District at 17 Elaine Street
Map 221, Lot 17
Owners of Record: Same as Above

Mr. Rob Gagnon introduced himself and proceeded to explain the application. 240 total sq. feet is to be added to the existing house to be used as master bedroom, removing the existing shed and existing walkway giving back approximately 40 sq. ft. to vegetation. Mr. Gillick read a memo into the record dated June 1, 2003, from the Conservation Commission, which recommends approval of the application. Mrs. Kimball asked Mr. Gagnon to confirm that the request is amended to be a removal of the shed not just a replacement and if the Board approves there shall be a revised plan submitted.

OPEN PUBLIC HEARING: NO COMMENT – CLOSE PUBLIC HEARING.

Mr. Sullivan **MOTIONED** to approve the referenced Special Permit Application subject to:

- 1) Submittal of revised plan showing the new shed located outside of buffer,
- 2) Removal of the existing shed and walkway within the buffer, these areas are to be revegetated,
- 3) Proper erosion and sediment control is established, and,
- 4) Notification to the Conservation Commission upon project completion.

Mr. Bilodeau **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

6. 389 High Street Realty Trust (Jerome Sakurai)
Special Permit to remove a duplex and construct one 8-unit building within the Wetland Conservation District at
389 High Street
Map 180, Lot 3A
Owners of Record: 389 High Street Realty Trust and Four B Realty Trust
7. 389 High Street Realty Trust (Jerome Sakurai)
Site Plan application to construct one 8-unit building and associated Conditional Use Permit for development within the Aquifer Protection District at
389 High Street
Map 180, Lot 3A
Waiver Requested: Site Plan Regulations Section VII.D (Storm Drainage), waiver only needed for Drainage Plan Option A
Owners of Record: 389 High Street Realty Trust and Four B Realty Trust

Mr. Peter Saari of Cassassa & Ryan introduced himself as representing the client. Additionally, Mr. Joseph Coronati of Jones & Beach Engineering was in attendance and started the presentation, proposing one-eight unit building with eight condos and a driveway from High Street. The building would have a drive under garage, portions of the project are within the 50' wetland buffer, and a Special Permit has been requested. Three variances were received, which includes the requirement of needing public water for a multifamily dwelling. Mr. Coronati continues to explain there is 3200 sq. ft. of recreation space in the conservation easement and asks the Board if this is an appropriate use. Mr. Peter Saari offered it possible the condo association would be responsible for the upkeep of the trails there. Mrs. Kimball added this would have to be clarified if the project came to terms. Mr. Coronati answers to a memo from Mrs. Kimball dated June 2, 2003. He offers two versions of drainage with a retention pond and without. When using a retention pond it would cut back more of the trees, and the version without shows vastly more foliage being kept in place. Feeling it most important being in the aquifer protection area, they concentrated on filtering the water before it got to the wetlands. Mr. Coronati discussed the height specifics and how they intend to arranged the uneven space. The rest of the items are being worked on and will be addressed as he gets them. Mr. Coronati read into the record the applicant's request for a Conditional Use Permit, dated March 10, 2003.

Mr. Jim Gove of Gove Environmental Services introduced himself and proceeded to discuss the existing conditions. In order to understand the encroachment into the buffer, this area of the site was created, sometime in the past, an existing protection basin to actually provide some retention in this area. There is a lot of road run off and catch basin input into this area from High Street. The actual area itself has virtually no controls without any treatment. The proposed conditions show most of the impact in the lawn area where 38 six ft. tall Scotch pine and balsam fir will be planted to provide some protection and blockage for the area. Essentially used for drainage will be run off controls using three catch basins and/or a filter strip.

OPEN PUBLIC HEARING:

Mr. William Beckett, Attorney from Portsmouth, NH introduced himself. The following people who live on Alexander Drive are opposed:

- 1 Alexander Drive = Chuck & Jean Kalustean
- 3 Alexander Drive = Kathleen Plummer
- 4 Alexander Drive = William & Kathleen Trottman
- 6 Alexander Drive = Scott & Amy Vandersall
- 9 Alexander Drive = John & Tracy Kelly
- 10 Alexander Drive = Kevin & Ann Saunders
- 11 Alexander Drive = Stanley & Elaine Martin
- 12 Alexander Drive = Michael & Barbara Gagne

Todd & Susan Wozkaliz (sp?) asked to be added at this time. Mr. Beckett went on to state; the following concerns and reasons are why this project should be declined: drainage, height, natural vegetation disturbance, inadequate play area for children, decks & balconies provide no privacy and extensive noise, and believes there is not 5 acres buildable (misleading), the density and impact on abutters & wetlands is outrageous. This project does not fall within the spirit of the ordinance nor is it consistent with the purposes of the ordinance.

Amy Vandersall, 6 Alexander Drive introduces herself. She expressed her family totally against the project. She advised the Board to be careful of setting a precedent, and she pointed out that there is nothing in this project for the good of the town.

Kathleen Plummer, 3 Alexander Drive introduced herself. She recalls when she bought her property many years ago she was assured it was conservation and wetlands and no one would build there. If this were to be approved she would not use her backyard because of her privacy being impacted. She asked; how did the zoning go from complete denial to approval? She is adamantly against this project.

Scott Vandersall, 6 Alexander Drive introduces himself. He believes this projects is out of character with the neighborhood, the developer should shrink the scope of the project, and the Town should be looking to preserve the existing buffer and encroachment.

SUSPEND PUBLIC HEARING.

Mr. Gillick opens discussion from the board. Mr. Sullivan opposed to the project as being out of character and too dense for neighborhood. Mr. Emerick opposed for similar reasons. Mr. Viviano agrees with other board members and has jurisdiction concerns. Mr. Higgins asks can this application be sent out without jurisdiction? Mr. Bilodeau's concerns are height of project and the water supply for this size project - he will return when this application is heard again. Mr. Gillick clarified that the Board must accept jurisdiction if it is a complete plan and asks Mr. Saari if he wants to have jurisdiction accepted? Mr. Saari answered yes to taking jurisdiction.

Mr. Higgins **MOTIONED** to accept jurisdiction of the Site Plan application to construct one 8-unit building at 389 High Street, Map 180, Lot 3A and continue the referenced applications to the July 16, 2003 meeting subject to:

- 1) Five standard departmental reviews (Police, Fire, Highway Safety, Conservation Commission, Dept. Public Works),
- 2) Ambit Engineering review,
- 3) Aquarion Water Company review, and,
- 4) Submittal of revised plans to the Planning Office by July 11, 2003.

Mr. Viviano **SECONDED. VOTE: 4 = YES. 2 = OPPOSED** (Mr. Emerick & Mr. Sullivan).
MOTION PASSES IN THE AFFIRMATIVE.

9. Edward Carlman III
 Special Permit Application to construct a 7' x 22' deck w/stairs
 within the Wetland Conservation District at
 5 Chase Street
 Map 274, Lot 59
 Owner of Record: Same as Above

Mrs. Margaret Carlman introduces herself as first owner of record on the application. She provided pictures of her new home and a glitch in the building plans proved to have two doorways on one side of the house. The pictures show it was clear that she would need two sets of stairs within feet of each other to access both doors. There is no abutter on that side, and are proposing a deck that has pressure treated base with PVC and vinyl coverings so no pressure treatment will be exposed – very conservation friendly. It meets zoning requirements and the sewer issues have been resolved. There will continue to be grass on the East and North portion of the yard, there was asphalt that was taken up and pea stone was installed for helping with the water accumulation on that dirt. Mr. Gillick reads into the record a memo dated June 1, 2003 from the Conservation Commission, which is opposed to the project due to concerns about expansion of the parking areas beyond what was approved in 2002.

Mr. Gillick opens for discussion from the Board. Mr. Emerick is concerned that there will not be an occupancy permit without some stairs; you can't get in that house without some kind of stairs; he will approve this project. Mr. Higgins suggests to install some shrubbery along the side. Mr. Gillick offers, with all do respect, the Conservation Commission is struggling to keep the guidelines in effect and it was the Board that gave the approval to build the house, therefore creating part of the problem the Carlman's are experiencing.

OPEN PUBLIC HEARING: NO COMMENT – CLOSE PUBLIC HEARING.

Mr. Sullivan **MOTIONED** to approve the Special Permit Application to construct a 7' x 22' deck w/stairs within the Wetland Conservation District at 5 Chase Street, Map 274, Lot 59 subject to:

- 1) The planting of shrubbery on the West Side of the subject property (work with Conservation Commission to suggest determination of best types of plants to use).

Mr. Emerick **SECONDED. VOTE: ALL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

III. OLD BUSINESS:

1. The V.R. Realty Trust and Robert H. & Mary A. Fallon
 2-Lot Subdivision at
 127 Ocean Boulevard
 Map 290, Lot 5
 Owners of Record: Same as Above

Mr. Gillick offers the Board may recall this is the location of the Rexall Drugstore on Ocean Boulevard and there was previously an application to create a formal subdivision and the common property line is running right down the middle of the building.

Mr. Peter Saari introduces himself as representing the applicant. Mr. Kevin Brown of the Sea Ketch Restaurant was present as well. Over time it has become apparent the applicant has one building and a deck straddling a lot line and their purpose is to achieve a 'friendly divorce'. The ZBA did give the variances for this project and there is no physical change with respect to the building or the property it is strictly ownership distinguishing on paper.

Mrs. Kimball reads into the record part of a memo from the Assessor dated April 24, 2003. Also discussed was a memo from John Hangen dated May 7, 2003 about the proposed sewer easement that the sewer already goes to both structures independently.

Mr. Viviano **MOTIONED** to accept jurisdiction of and approve the 2-Lot Subdivision request of plan #2891, revision #3, dated 5/25/03 subject to:

- 1) Certification of monumentation, and,
- 2) Payment of recording fees prior to final approval.

Mr. Sullivan **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

IV. CONSIDERATION OF MINUTES – May 21, 2003.

Mr. Bilodeau **MOTIONED** to approve the minutes as written. Mr. Viviano **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

V. CORRESPONDENCE:

1. DES notified the Town that the Hampton Police got their site permit. Mr. Sullivan added that the ground breaking is June 26, 2003 at 6:00 pm.
2. Notice from Rockingham Planning Commission they are having their annual dinner meeting Wednesday June 11, 2003.
3. 2003 Municipal Board Training Series from Rockingham Planning Commission – two dates available. June 23 or June 30, 2003.
4. Memo from Daniel Tatem, Beals Associates dated May 28, 2003 was read into the record –memo requested approval to make a 'field change to drainage design' at 373 Lafayette Road. Mr. Sullivan **MOTIONED** to approve a minor field change to drainage design regarding the O'Donnell Site Plan Application on 373 Lafayette Road, Hampton, NH. The Board will forward the approved change to the Building Department. Mr. Emerick **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

VI. OTHER BUSINESS:

Mrs. Kimball discusses the Master Plan Subcommittee on Future Land Use and the need to vote on the citizen's at large. The Zoning Board selected Rick Griffin, Board of Selectman chose Skip Sullivan, School Board elected Keith Lessard, Planning Board elected Fran McMahon, and the Conservation Commission elected Greg Smart. Mr. Sullivan **MOTIONED** to accept Mr. Mark Olson and Mr. Chester Riley as citizens at large for the Master Plan Subcommittee on Future Land Use. Mr. Viviano **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** The start up meeting will be on June 26, 2003, 7:00pm at the Lane Library. All members will be notified of the date and time and Maura at the Rockingham Planning Commission will be advised as well.

Mr. Viviano opened a discussion if a decision on appropriate time frame for review of applications has been achieved. Mrs. Kimball offered it is difficult to meet the time frames as is. She does not disagree that the system is not good. After lengthy discussion, it was decided to have a deadline for submittal of revised information, by an applicant, by the Friday prior to a meeting.

Mr. Viviano **MOTIONED** to adjourn. Mr. Bilodeau **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Meeting adjourned at 10:26 p.m.

Respectfully Submitted,
Janine L. Fortini
Planning Board Secretary